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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,696	07/15/2003	Kuo Lung Wang	BHT-3098-156	4907

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EXAMINER	
SWENSON, BRIAN L	

ART UNIT	PAPER NUMBER
3618	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,696

Applicant(s)

WANG ET AL.

Examiner

Brian Swenson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 6-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,250,656 issued to Ibarra.

Ibarra teaches in Figures 1-9 and respective portions of the specification of a scooter usable for figure scootering including:

a scooter frame (Figure 6) including a frame body for a user to step thereon, the frame body including a plane frame section (51) and an inclined frame section (89) connected with rear side of the plane frame section (Figure 6), a rear end of the inclined frame section being upward inclined (Figure 6);

a step board (Figures 1 and 9) disposed on a top face of the frame body, the step board including a plane board section (3) and an incline board section (85) connected with a rear side of the plane board section, a rear end of the inclined board section being upward inclined (Figure 1);

a steering mechanism (33) including a vertical tube (25) and a handlebar (37) disposed at a top end of the vertical tube (Figure 1), the steering mechanism being disposed at a front end of the scooter frame (Figure 1);

a front wheel (31) pivotally disposed at a bottom end of the steering mechanism;

a rear wheel (15) pivotally disposed under frame body; and
an auxiliary wheel (87) pivotally disposed under bottom face of the scooter frame behind the rear wheel, when the front and rear wheels contact with the ground, the auxiliary wheel being higher than the ground by a certain height (Figures 1 and 6), whereby when the front end of the scooter is lifted, the rear wheel and the auxiliary wheel contact with the ground for performing figure scootering, the inclined frame section being in a nearly horizontal state (Figure 9).

In regards to claims 2 and 10: portion (91) is taken to be a column for fixing the auxiliary wheel for the scooter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra, as applied to claims 1-2, 6-7 and 9-10 above, in view of U.S. Patent No. 6,530,598 issued to Kirby.

Ibarra discloses the claimed invention except for teaching of the column containing an inner tube nested within an outer tube for telescopically adjusting the length of the auxiliary wheel.

Kirby teaches in Figures 1-11B and respective portions of the specification of an anti-tip structure for a vehicle including: a cycle as shown in Figures 11A-11B.

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Specifically, Kirby teaches of an auxiliary wheel (106; Figures 1A and 1B) that extends from a rear portion of a wheelchair. Figures 8A-8C teach of an embodiment for the column (102; of Figures 1A and 1B) that supports the wheel (106) the column consisting of a slidably nestable inner tube (150) and outer tube (162). The two tubes can be selectively fixed relative to each other by adjusting pin's (154) placement within a plurality of apertures (162). It would have been obvious to one having ordinary skill in the art at the time of invention to use an adjustable column consisting of an inner and outer tube as taught by Kirby for attaching the auxiliary wheel to the scooter taught by Ibarra. One would be motivated to provide an adjustable column to vary the distance between the auxiliary wheel and the ground to vary the inclination of the scooter during scooting operation allowing the user to optimize the handling of the scooter.

3. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra in view of Kirby, as applied to claims 1-4 and 9-12 above, and in further view of U.S. Patent No. 5,678,843 issued to Liu.

Ibarra as modified by Kirby disclose the claimed invention except for teaching of a resilient member for positioning the inner and outer tube relative to each other.

The use of a resilient member for positioning an inner and outer tube relative to each other is well known. Liu, teaches of a telescopic handle with an inner and outer tube relative to each other with pin (123) biased by resilient spring (122) placed within hole (132). It would have been obvious to one having ordinary skill in the art at the time of invention to use a spring-biased pin to fix the inner and outer tube relative to each

other. One would be motivated to use a spring-biased pin to easily adjust the length of the column without the need to remove a bolt.

4. Claims 8 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Ibarra, as applied to claims 1-2, 6-7 and 9-10 above, in view of U.S. Patent No. 4,076,266 issued to Krausz.

Ibarra teaches of a hand brake lever disposed on the handle bar for actuating a brake associated with the front wheel. Ibarra, does not teach of braking the rear wheel.

Krausz, teaches in Figures 1-5 and respective portions of the specification of a brake for braking the rear wheels of a skateboard device (see at least col. 1, lines 39-50). It would have been obvious to use the teachings of Krausz for braking the rear wheels of the scooter taught by Ibarra. One would be motivated to brake the rear wheels of the scooter to increase the safety of the scooter by preventing the rear of the scooter from rotating about the front wheel during sudden braking operations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Design Patent No. 301,157 issued to Hess teaches of a rear brake for a scooter.

U.S. Patent No. 5,330,221 issued to Sutton teaches of an auxiliary wheel structure for a bicycle.

U.S. Patent No. 6,331,012 issued to Eisenmann, II et al. teaches of a training wheel apparatus that can be adjusted vertically.

U.S. Patent No. 4,183,547 issued to Cohen et al. teach of a skateboard with an auxiliary wheel.

U.S. Patent No. 6,386,562 issued to Kuo teaches of a scooter with an auxiliary wheel.

U.S. Patent No. 6,367,828 issued to Mandic, U.S. Patent No. 4,133,548 issued to Smith, U.S. Patent No. 6,619,678 issued to van Ardenne and U.S. Patent No. 3,096,100 issued to Clark et al. teach of other various scooters that can be used for scooting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

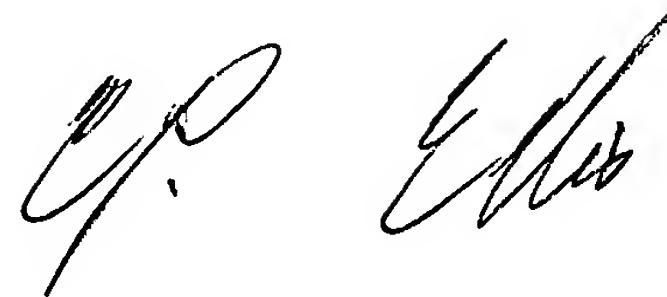
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